



## 95TH GENERAL ASSEMBLY

### State of Illinois

#### 2007 and 2008

#### SB1629

Introduced 2/9/2007, by Sen. Chris Lauzen

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-61	from Ch. 46, par. 7-61
10 ILCS 5/8-17	from Ch. 46, par. 8-17
10 ILCS 5/10-11	from Ch. 46, par. 10-11

Amends the Election Code. In Articles governing the nomination of partisan candidates, lists the events that create a vacancy in nomination and specifies that a candidate's voluntary withdrawal does not create a vacancy in nomination to be filled by the appropriate party committee or new political party officers.

LRB095 04070 JAM 24108 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 7-61, 8-17, and 10-11 as follows:

6 (10 ILCS 5/7-61) (from Ch. 46, par. 7-61)

7 Sec. 7-61. Whenever a special election is necessary the  
8 provisions of this Article are applicable to the nomination of  
9 candidates to be voted for at such special election.

10 In cases where a primary election is required the officer  
11 or board or commission whose duty it is under the provisions of  
12 this Act relating to general elections to call an election,  
13 shall fix a date for the primary for the nomination of  
14 candidates to be voted for at such special election. Notice of  
15 such primary shall be given at least 15 days prior to the  
16 maximum time provided for the filing of petitions for such a  
17 primary as provided in Section 7-12.

18 Any vacancy in nomination under the provisions of this  
19 Article 7 occurring on or after the primary and prior to  
20 certification of candidates by the certifying board or officer,  
21 must be filled prior to the date of certification. Any vacancy  
22 in nomination occurring after certification but prior to 15  
23 days before the general election shall be filled within 8 days

1 after the event creating the vacancy. The resolution filling  
2 the vacancy shall be sent by U. S. mail or personal delivery to  
3 the certifying officer or board within 3 days of the action by  
4 which the vacancy was filled; provided, if such resolution is  
5 sent by mail and the U. S. postmark on the envelope containing  
6 such resolution is dated prior to the expiration of such 3 day  
7 limit, the resolution shall be deemed filed within such 3 day  
8 limit. Failure to so transmit the resolution within the time  
9 specified in this Section shall authorize the certifying  
10 officer or board to certify the original candidate. Vacancies  
11 shall be filled by the officers of a local municipal or  
12 township political party as specified in subsection (h) of  
13 Section 7-8, other than a statewide political party, that is  
14 established only within a municipality or township and the  
15 managing committee (or legislative committee in case of a  
16 candidate for State Senator or representative committee in the  
17 case of a candidate for State Representative in the General  
18 Assembly or State central committee in the case of a candidate  
19 for statewide office, including but not limited to the office  
20 of United States Senator) of the respective political party for  
21 the territorial area in which such vacancy occurs.

22 The resolution to fill a vacancy in nomination shall be  
23 duly acknowledged before an officer qualified to take  
24 acknowledgements of deeds and shall include, upon its face, the  
25 following information:

26 (a) the name of the original nominee and the office

1 vacated;

2 (b) the date on which the vacancy occurred;

3 (c) the name and address of the nominee selected to fill  
4 the vacancy and the date of selection.

5 The resolution to fill a vacancy in nomination shall be  
6 accompanied by a Statement of Candidacy, as prescribed in  
7 Section 7-10, completed by the selected nominee and a receipt  
8 indicating that such nominee has filed a statement of economic  
9 interests as required by the Illinois Governmental Ethics Act.

10 The provisions of Section 10-8 through 10-10.1 relating to  
11 objections to certificates of nomination and nomination  
12 papers, hearings on objections, and judicial review, shall  
13 apply to and govern objections to resolutions for filling a  
14 vacancy in nomination.

15 Any vacancy in nomination occurring 15 days or less before  
16 the consolidated election or the general election shall not be  
17 filled. In this event, the certification of the original  
18 candidate shall stand and his name shall appear on the official  
19 ballot to be voted at the general election.

20 With respect to nominations under the provisions of this  
21 Article, a vacancy in nomination occurs upon the happening of  
22 any of the following events only and is not created upon the  
23 voluntary withdrawal of a candidate:

24 (1) The nominee's death (whether before, on, or after  
25 the day of the primary election).

26 (2) The nominee's becoming a person under legal

1       disability.

2       (3) The nominee's ceasing to be an inhabitant of the  
3       State or, if the office is local, the nominee's ceasing to  
4       be an inhabitant of the district, county, township, or  
5       precinct for which he or she was nominated.

6       (4) The nominee's conviction of an infamous crime or of  
7       any offense involving a violation of official oath.

8       (5) The decision of a competent tribunal declaring the  
9       nomination void.

10       (6) The name of no established political party  
11       candidate was printed on the primary ballot for the office  
12       and no person was nominated as a write-in candidate for  
13       that office. A vacancy in nomination occurs when a  
14       candidate who has been nominated under the provisions of  
15       this Article 7 dies before the election (whether death  
16       occurs prior to, on or after the day of the primary), or  
17       declines the nomination; provided that nominations may  
18       become vacant for other reasons.

19       If the name of no established political party candidate was  
20       printed on the consolidated primary ballot for a particular  
21       office and if no person was nominated as a write-in candidate  
22       for such office, a vacancy in nomination shall be created which  
23       may be filled in accordance with the requirements of this  
24       Section. If the name of no established political party  
25       candidate was printed on the general primary ballot for a  
26       particular office and if no person was nominated as a write-in

1 candidate for such office, a vacancy in nomination shall be  
2 created, but no candidate of the party for the office shall be  
3 listed on the ballot at the general election unless such  
4 vacancy is filled in accordance with the requirements of this  
5 Section within 60 days after the date of the general primary.

6 A candidate for whom a nomination paper has been filed as a  
7 partisan candidate at a primary election, and who is defeated  
8 for his or her nomination at such primary election, is  
9 ineligible to be listed on the ballot at that general or  
10 consolidated election as a candidate of another political  
11 party.

12 A candidate seeking election to an office for which  
13 candidates of political parties are nominated by caucus who is  
14 a participant in the caucus and who is defeated for his or her  
15 nomination at such caucus, is ineligible to be listed on the  
16 ballot at that general or consolidated election as a candidate  
17 of another political party.

18 In the proceedings to nominate a candidate to fill a  
19 vacancy or to fill a vacancy in the nomination, each precinct,  
20 township, ward, county or congressional district, as the case  
21 may be, shall through its representative on such central or  
22 managing committee, be entitled to one vote for each ballot  
23 voted in such precinct, township, ward, county or congressional  
24 district, as the case may be, by the primary electors of its  
25 party at the primary election immediately preceding the meeting  
26 at which such vacancy is to be filled.

1 For purposes of this Section, the words "certify" and  
2 "certification" shall refer to the act of officially declaring  
3 the names of candidates entitled to be printed upon the  
4 official ballot at an election and directing election  
5 authorities to place the names of such candidates upon the  
6 official ballot. "Certifying officers or board" shall refer to  
7 the local election official, election authority or the State  
8 Board of Elections, as the case may be, with whom nomination  
9 papers, including certificates of nomination and resolutions  
10 to fill vacancies in nomination, are filed and whose duty it is  
11 to "certify" candidates.

12 (Source: P.A. 94-645, eff. 8-22-05.)

13 (10 ILCS 5/8-17) (from Ch. 46, par. 8-17)

14 Sec. 8-17. The death of any candidate prior to, or on, the  
15 date of the primary shall not affect the canvass of the  
16 ballots. If the result of such canvass discloses that such  
17 candidate, if he had lived, would have been nominated, such  
18 candidate shall be declared nominated.

19 ~~The In the event that a candidate of a party who has been~~  
20 ~~nominated under the provisions of this Article shall die before~~  
21 ~~election (whether death occurs prior to, or on, or after, the~~  
22 ~~date of the primary) or decline the nomination or should the~~  
23 ~~nomination for any other reason become vacant, the legislative~~  
24 ~~or representative committee, as appropriate, of a such party~~  
25 ~~for a such district shall nominate a candidate of such party to~~

1 fill a such vacancy in nomination under this Article.

2 With respect to nominations under the provisions of this  
3 Article, a vacancy in nomination occurs upon the happening of  
4 any of the following events only and is not created upon the  
5 voluntary withdrawal of a candidate:

6 (1) The nominee's death (whether before, on, or after  
7 the day of the primary election).

8 (2) The nominee's becoming a person under legal  
9 disability.

10 (3) The nominee's ceasing to be an inhabitant of the  
11 district for which he or she was nominated.

12 (4) The nominee's conviction of an infamous crime or of  
13 any offense involving a violation of official oath.

14 (5) The decision of a competent tribunal declaring the  
15 nomination void.

16 (6) A vacancy in the office of State Senator occurring  
17 after the last day for filing nomination papers for that  
18 office, as provided in paragraph (3) of Section 8-17.1.

19 (7) The name of no political party candidate was  
20 printed on the primary ballot for the office and no person  
21 was nominated as a write-in candidate for that office.

22 If ~~However,~~ if there was no name of a candidate for the  
23 nomination of ~~a~~ the party printed on ~~in~~ the primary ballot and  
24 no person was nominated as a write-in candidate, no candidate  
25 of that party for that office may be listed on the ballot at  
26 the general election, unless the legislative or representative

1 committee of the party nominates a candidate to fill the  
2 vacancy in nomination within 60 days after the date of the  
3 general primary election. Vacancies in nomination occurring  
4 under this Article shall be filled by the appropriate  
5 legislative or representative committee in accordance with the  
6 provisions of Section 7-61 of this Code. In proceedings to fill  
7 the vacancy in nomination, the voting strength of the members  
8 of the legislative or representative committee shall be as  
9 provided in Section 8-6.

10 (Source: P.A. 84-757; 84-790; 84-928; 84-1026.)

11 (10 ILCS 5/10-11) (from Ch. 46, par. 10-11)

12 Sec. 10-11. Any vacancy in the nomination of a new  
13 political party candidate occurring prior to the date of  
14 certification of candidates for the ballot by the certifying  
15 board or officer must be filled prior to the date of  
16 certification. The resolution to fill such vacancy shall be  
17 sent by U.S. mail or personal delivery to the certifying  
18 officer or board within 3 days of the action by which the  
19 vacancy was filled; provided, if such resolution is sent by  
20 mail and the U.S. postmark on the envelope containing such  
21 resolution is dated prior to the expiration of such 3 day  
22 limit, the notice or resolution shall be deemed filed within  
23 such 3 day limit. Failure to so transmit the notice or  
24 resolution within the time specified in this Section shall  
25 authorize the certifying officer or board to certify the

1 original candidate. Vacancies shall be filled by the new  
2 political party officers.

3 Any vacancy in nomination occurring after certification  
4 but prior to 15 days before a regular election shall be filled  
5 by the new political party officers within 8 days after the  
6 event creating the vacancy in the manner heretofore prescribed.

7 The resolution to fill a vacancy in nomination shall be  
8 duly acknowledged before an officer qualified to take  
9 acknowledgements of deeds and shall include, upon its face, the  
10 following information:

11 (a) the name of the original nominee and the office  
12 vacated;

13 (b) the date on which the vacancy occurred;

14 (c) the name and address of the nominee selected to fill  
15 the vacancy and the date of selection.

16 The resolution to fill a vacancy in nomination shall be  
17 accompanied by a Statement of Candidacy, as prescribed in  
18 Section 10-5, completed by the selected nominee and a receipt  
19 indicating that such nominee has filed a statement of economic  
20 interests as required by the Illinois Governmental Ethics Act.

21 The provisions of Sections 10-8 through 10-10.1 relating to  
22 objections to certificates of nomination and nomination  
23 papers, hearings on objections, and judicial review, shall  
24 apply to and govern objections to resolutions for filling a  
25 vacancy in nomination.

26 Any vacancy in nomination occurring 15 days or less before

1 a regular election shall not be filled. In this event the  
2 certification of the original candidate shall stand and his  
3 name shall appear on the official ballot to be voted at the  
4 election.

5 With respect to nominations under the provisions of Section  
6 10-2, a vacancy in nomination occurs upon the happening of any  
7 of the following events only and is not created upon the  
8 voluntary withdrawal of a candidate:

9 (1) The nominee's death.

10 (2) The nominee's becoming a person under legal  
11 disability.

12 (3) The nominee's ceasing to be an inhabitant of the  
13 State or, if the office is local, the nominee's ceasing to  
14 be an inhabitant of the district, county, township, or  
15 precinct for which he or she was nominated.

16 (4) The nominee's conviction of an infamous crime or of  
17 any offense involving a violation of official oath.

18 (5) The decision of a competent tribunal declaring the  
19 nomination void. A vacancy in nomination occurs when a  
20 candidate who has been nominated under the provisions of  
21 Section 10-2 dies before the election, or declines the  
22 nomination; provided that nomination may become vacant for  
23 other reasons.

24 The ~~However, the~~ provisions of this Section shall not apply  
25 to filling any vacancy in nomination for a municipal office for  
26 which the Municipal Code, as now or hereafter amended, provides

1 a different method for filling such vacancy, and the applicable  
2 provision of the Municipal Code shall govern in such cases.

3 Any vacancy in a nomination by caucus of an established  
4 political party for a township or municipal office shall be  
5 filled in accordance with Section 7-61 of this Code.

6 For purposes of this Section, the words "certify" and  
7 "certification" shall refer to the act of officially declaring  
8 the names of candidates entitled to be printed upon the  
9 official ballot at an election and directing election  
10 authorities to place the names of such candidates upon the  
11 official ballot. "Certifying officers or board" shall refer to  
12 the local election official, election authority or the State  
13 Board of Elections, as the case may be, with whom nomination  
14 papers, certificates of nomination papers and resolutions to  
15 fill vacancies in nomination are filed and whose duty it is to  
16 "certify" candidates.

17 (Source: P.A. 84-757.)